**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah, Occ: Student, SPSR Nellore District against the proceedings No. D.Dis.(C5)2001/2008, dated 23.05.2010 of the District Collector, SPSR Nellore under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

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**SOCIAL WELFARE (TW.CV.2) DEPARTMENT**

G.O.Ms.No.60 Dated:10.05.2018

Read the following:

1. Proceedings of the District Collector, SPS Nellore, No.D.Dis (C5) 2001/2008, dt:23.5.2010.
2. Appeal Petition filed by Sri.Gunji Ramakrishna S/o Gunji Ramachandraiah, Occ:Student, R/o Nellore, before the Government on 03.08.2010 & 23.10.2010.
3. Govt. Memo.No.5821/CV2/2010, dated 10.11.2010.
4. From the District Collector, SPSR Nellore, Lr.Rc.C5(M),2055/10, dt:02.12.2010.
5. Govt. Memo.No.5821/CV2/2010, S.W.(CV2) Dept, dt.28.04.2012, 27.06.2015 & 17.11.2015.
6. The Order of the Hon'ble High Court fo AP, Hyderabad in WP No.4637/2017, dated 10.02.2017 filed by Sri.Gunji Ramakrishna.
7. Govt. Memo.No.5821/CV2/2010, dated 01.06.2017 & 30.06.2017.
8. Written arguments filed by the appellant before Government dated nil.

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**ORDER:**

In the reference 1st read above, the District Collector, SPSR Nellore has issued orders cancelling ST-Yanadi caste certificate obtained from the then Tahasildar, Kovur, SPSR Nellore District in the year 2008 by Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah.

2. In the reference 2nd read above, Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah.

4. In the reference 6th read above, Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah has filed W.P.No.4637/2017 before the Hon'ble High Court of Andhra Pradesh, Hyderabad against the Government for not passing any orders in the appeal vide Memo No.5821/CV.2/2010. The Hon'ble High Court of AP, Hyderabad while disposing the said WP on 10.02.2017 has directed the Government to take up the appeal filed by the petitioner and dispose of the same, as expeditiously, as possible, not later than three months from the date of receipt the order after affording due opportunity to all the parties. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

5. The said Appeal Petition has been posted for hearing on 11.05.2012, 25.07.2015, 28.11.2015, 17.06.2017 & finally on 15.07.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant has attended the hearing scheduled on 15.07.2017 and filed written arguments in support of his ST-Yanadi community claim in the reference 8th read above.

[P.T.O]

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore dated 23.05.2010 the Appellate Authority is observed that :

I. The appellant in his grounds has stated that he belongs to ST-Yanadi community and his surname 'Gunji' is predominant in Yanadi community and his grandfather died during his father's childhood, his father hails from Bangarupalem area of Chittoor District to pothireddypalem village, Kovvur Mandal, Nellore District and his mother also belongs to ST-Yanadi community . Further he has stated that the District Collector erred in cancelling the caste certificate of the appellant without conducting proper enquiry calling reports from the Chitooor where the appellant's community are residing and he has failed to consider the oral and documentary evidence adduced by the appellant in proper prospective.

II. The District Level Scrutiny Committee has observed that Sri Gunji Ramachandraiah, father of the appellant has attended before the DLSC on 28-12-2008 and he could not disclose any details on his relatives who belong to Yanadi Tribe, either from his side or his wife's side, except filing the copies of school records of his son. He is silent when asked to tell about any customs & traditions, cultural & spiritual habits, mode of marriages, death ceremonies/method of burial of dead bodies etc., of Yanadi Tribes. He could not establish or prove that they belong to Yanadi (ST) except showing the certificate issued by the MRO, Kovur and he don't know the customs and traditions of Yanadi community. It is evident that Sri Gunji Ramakrishna, S/o Ramachandraiah does not belong to Yanadi (ST) community. But he obtained Yanadi(ST) certificate to got the benefits from the Government under ST category. During the enquiry by the RDO, Kavali in Pothireddypalem village, some of the ST people have stated that Sri Gunji Ramachandraiah, father of Ramakrishna has been residing in their colony for the last 30 years and that they migrated from Jayanthi village of Bangarupalem Mandal, Chittoor District and that he does not have any relationship with the STs of their colony and that no person is having surname as Gunji in their colony except the above individual, and also they are not aware of the above individual. They also stated that they are not aware of the surname of Gunji Ramakrishna's maternal grandfather and they came to know on the date of enquiry that the surname of maternal grandfather is Patra. The villagers have concluded their deposition stating that though Gunji RamaKrishna and his family members are residing with them, they are not aware of the surname of said Ramakrishna. The above facts shows that the appellant and his family do not have any relationship with Yanadi community people as they belong to Vaddera(BC) community. Further, based on the report of the Director of Tribal Welfare, AP, Hyderabad in his letter No. RC.1778/2008/TRI/VC-4, dated 20.08.2008, the surname 'Gunji' is uncommon in Yanadi- Scheduled Tribe, but it is predominant in Vaddra (BC) caste. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that his father belongs to Yanadi community which was identified as Schedule Tribe and he resided in the colony where the community is residing as such he also belongs to ST Yanadi. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that his father belongs to ST community. It is further brought to the notice that the certificate earlier issued to the individual in a routine manner and the same was cancelled after conducting detailed and through enquiry into the caste status of the individual. That as per the Act, the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case, the appellant except relaying the evidence filed before the lower authority, failed to produce any additional material more particularly the

[Contd..on P.3]

evidence of his father caste for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference, but appellant failed to produce any evidence even though lot of opportunity was given to him even by the Government. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the Learned District Collector, SPSR Nellore District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah, does not deserve any interference. Hence, Proceedings of the District Collector, SPSR Nellore issued vide D.Dis (C5) 2001/2008, dt:23.5.2010, is hereby upheld and the Appeal Petition filed by Sri Gunji Ramakrishna, S/o Gunji Ramachadraiah, is hereby dismissed and the Certificate issued by the then Tahasildar, Kovur, deemed to be cancelled.

8. The District Collector, SPSR Nellore is directed to take necessary consequential action in the matter.

9. The records (containing Rc.(C5) 2001/2008, dt:23.5.2010, pages: CF: 1-150 & NF:1-10) received from the District Collector, SPSR Nellore through in the reference 4th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.S. RAWAT**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, SPSR Nellore. (BY RPAD)
(with original records).

Sri.Gunji Ramakrishna S/o Gunji Ramachandraiah,
Occ: Student, R/o Chandra Sekar Puram Colony,
Pothireddy Palem(V), Kovur (M), SPSR Nellore District.

Sri MD.Saleem, Advocate,
Plot No.5, Laxmi Nagar,
Mehdipatnam, Hyderabad–500028.

**Copy to** :

The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Principal Secretary(SW&TW).

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**